



11-07-02

3621

EXPRESS MAIL LABEL NO. EU746737595US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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nyw
2-4-03

Applicant: Schull

Application No.: 09/764,293

Filing Date: January 19, 2001

For: METHOD FOR ADAPTING A
SOFTWARE PRODUCT TO AN
ENVIRONMENT

Attorney Docket No.: 58587.000003

Art Unit: 3621

Examiner: F. Backer

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**REQUEST FOR WITHDRAWAL AS ATTORNEY OF RECORD
UNDER 37 C.F.R. § 10.40 AND REQUEST FOR CHANGE OF
CORRESPONDENCE ADDRESS**

Director of the United States Patent
and Trademark Office
Washington, D.C. 2023

Sir:

The undersigned, for himself and those named below, (collectively "Attorney of Record") hereby applies to withdraw as attorney of record for the above referenced patent application ("Application").

This Request is being submitted because our client no longer has title to the Application, and our requests for a written power of attorney from the new title-holder have been refused. Our client, SoftLock.com, Inc., ("SoftLock") is the original assignee of the Application. During the pendency of the Application, SoftLock filed for protection under Chapter 11 of the Bankruptcy Code. The Chapter 11 case is now being converted to one under Chapter 7 of the

Bankruptcy Code. Pursuant to § 541 of the Bankruptcy Code, all property owned by the SoftLock at the time of filing for protection from creditors is part of the bankruptcy estate.

Accordingly, the SoftLock bankruptcy estate, under the control of Joseph B. Collins ("Trustee"), now has title to the Application. The Attorney of Record has made repeated requests for explicit power of attorney from the Trustee. The Trustee has indicated that he would not provide or confirm power of attorney for the Attorney of Record to act in this case. This appear to be, at least in part, because the Trustee is unwilling to request that the Bankruptcy Court grant the Attorney of Record special status to represent the bankruptcy estate in this matter.

Without a power of attorney, the Attorney of Record cannot continue to prosecute the Application. Although a power of attorney is not automatically revoked by a change in ownership, 37 C.F.R. § 1.36, the continued withholding of a new power of attorney by the Trustee upon request is tantamount to a revocation. In sum, SoftLock no longer has ownership rights in the application, and the assignee of those ownership rights refuses to grant or affirm our power to continue to prosecute the Application. Accordingly, the Attorney of Record is bound to withdraw from further representation in this matter.

The Attorney of Recor submits that all papers to which the owner of the patent application is entitled have been forwarded to the Trustee at the address below. Due notice of our intent to withdraw was given to SoftLock and the Trustee on October 24, 2002. There are no outstanding actions relating to this application nor are any fees or other submissions due at this time. Accordingly, the Attorney of Record respectfully submits that the requirements of 37 C.F.R. § 10.40 and *In re Legendary, Inc.*, 26 U.S.P.Q.2d 1478 (Comm'r. Pat. 1992) have been met.

The Attorney of Record through the undersigned, on behalf of himself and those others named below, therefore respectfully requests that the Commissioner approve our request to withdraw as Attorney of Record in this matter.

This request to withdraw is submitted on behalf of the undersigned and the following attorneys, all of the firm of Hunton & Williams:

J. Michael Martinez de Andino, Reg. No. 37,178;
James R. Miner, Reg. No. 40,444;
Nancy Jensen, Reg. No. 45,913; and
Christopher J. Forstner, Reg. No. 46,049

Please change the correspondence address and direct all future correspondence relating to the Application to:

**Joseph B. Collins, Esq.
Bankruptcy Trustee for the
Estate of SoftLock.com, Inc.
Hendel & Collins, P.C.
101 State Street
Springfield, Massachusetts 01103**

Respectfully submitted,



David E. Baker
Reg. No. 42,285

Date: November 6, 2002



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CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

Director of the United States Patent
and Trademark Office
Washington, D.C. 20231

Sir:

I hereby certify that this correspondence is being deposited with the United States Postal

Service with sufficient postage as Express Mail in an envelope addressed to:

Director of the United States Patent
and Trademark Office
Washington, DC 20231

on November 6, 2002

Date

Signature

Laura A. Couch

Typed or printed name of person signing Certificate

Documents being submitted with this Certificate of Express Mailing include:

- Request for Withdrawal as Attorney of Record Under 37 C.F.R. § 10.40 and Request for Change of Correspondence Address
- Self Address Stamped Return Postcard

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